



**THE ATTORNEY GENERAL
OF TEXAS**

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable W. Lee O'Daniel
Governor of Texas
Austin, Texas

Dear Governor O'Daniel:

Opinion No. O-3111

Re: Duration of the term of
office of a member of
the Board of Examiners of
Land Surveyors under Arti-
cle 5268 of the R.C.S.

We beg to acknowledge receipt of your letter of
January 31, 1941, propounding for a legal opinion the above-
captioned question.

The statutes, Article 5268, et seq., governing the
creation and functioning of the Board of Examiners of Land
Surveyors, nowhere provided the term of office for the mem-
bers of such Board.

The matter, therefore, is controlled by Section
30, Article XVI of the Constitution, which declares:

"The duration of all offices not fixed by
this Constitution shall never exceed two years; * * *"

So that, you are accordingly advised that such
members hold for a term of two years, at which time the
office becomes vacant so far as concerns the right and
power to appoint a successor to such officer.

What we have said has no reference to the Commis-
sioner of the Land Office, who is by the statute made a
member of the Board. The Commissioner's services in this
connection are ex officio his office of Commissioner of the
General Land Office -- merely added duties -- and his holding
as a member of the Board is nowise to be considered as the
holding of an office or position of honor, trust or profit,
within the constitutional provisions against dual office-
holding.

Very truly yours,
ATTORNEY GENERAL OF TEXAS
s/ Ocie Speer
By Ocie Speer
Assistant

OS-MR-cg
Approved Feb. 12, 1941
s/Gerald C. Mann
Attorney General of Texas